

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

CHARLES L. ADLER, GRANT ADLER,  
C. M. ADLER, LLC,

Plaintiffs,

v.

GRUMA CORPORATION,

Defendant.

Case No. 22-cv-06598-GC-DEA

**DECLARATION OF RON  
ANDERSON**

*Filed Electronically*

Ron Anderson, of full age, hereby declares:

1. I am Vice President of Retail Sales for Gruma Corporation (“Gruma”). I make this declaration based upon personal knowledge.
2. Gruma maintains its headquarters at 5601 Executive Dr. Suite 800, Irving, Texas 75038.
3. Texas is the state where the company’s business affairs in the United States are centered, especially as it relates to independent distributors. Some of its business affairs carried out in Texas are specified below.
4. Gruma developed its policy and practice of designating distributors as independent contractors in Texas.

5. Texas is the state from which Gruma coordinates and carries out the process of drafting and enforcing Store Door Distributor Agreements with independent distributors, including the drafting and sending of notices to such distributors.

6. Gruma coordinates in Texas the purchase and distribution of its products by independent distributors in Texas.

7. Gruma employs in Texas its senior leadership staff, finance employees, and its senior operation employees, and manages those employees that interact with independent distributors throughout the United States.

8. Gruma creates and maintains in Texas its customer relationships with customers that independent distributors distribute Gruma products to.

9. Texas is the state where Gruma determines prices for its products purchased by independent distributors.

10. Gruma employs in Texas its technical team that assists with issues related to the independent distributors' use of their own or Gruma's handheld computers, which facilitate the processing of product orders, purchases, and sales.

11. Texas is where Gruma coordinates logistical efforts for utilizing third-party carriers that are responsible for delivering product to the warehouses of independent distributors (like plaintiff C. M. Adler, LLC) that utilize their own warehouses.

12. Texas is also the state from where Gruma remits payment to independent distributors including plaintiff C. M. Adler on a weekly basis for their sales less agreed upon fees, and the state from which it sends yearly Form 1099s to such distributors. I have attached to this Declaration as Exhibit A the Form 1099s sent by Gruma to C. M. Adler, LLC for the six full calendar years of 2016 to 2021. Gruma paid C. M. Adler LLC the amount reported on those Form 1099s.

I declare under penalties of perjury under the laws of the United States that the foregoing is true and correct.

Executed on: February 09, 2023

  
Ron Anderson  
Ron Anderson

# **EXHIBIT A**

<input type="checkbox"/> CORRECTED (if checked)			
PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no.  GRUMA CORPORATION  5601 EXECUTIVE DRIVE IRVING TX 75038-2508  972-232-5497		OMB No. 1545-0116  Form <b>1099-NEC</b> (Rev. January 2022)  For calendar year <b>2021</b>	<b>Nonemployee Compensation</b>
PAYER'S TIN  6486	RECIPIENT'S TIN  7741	<b>1 Nonemployee compensation</b> \$ 76,197.00	
RECIPIENT'S name  C M ADLER LLC		<b>2 Payer made direct sales totaling \$5,000 or more of consumer products to recipient for resale</b> <input type="checkbox"/>	
Street address (including apt. no.)  3598 VICARI AVE		<b>3</b>	
City or town, state or province, country, and ZIP or foreign postal code  TOMS RIVER NJ 08755		<b>4 Federal income tax withheld</b> \$	
Account number (see instructions)  3171		<b>5 State tax withheld</b> \$	<b>6 State/Payer's state no.</b> \$
		<b>7 State income</b> \$	
<b>Copy B</b> <b>For Recipient</b> This is important tax information and is being furnished to the IRS. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.			
Form <b>1099-NEC</b> (Rev. 1-2022) (keep for your records)		www.irs.gov/Form1099NEC Department of the Treasury - Internal Revenue Service	

CORRECTED (if checked)

PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no.		OMB No. 1545-0116		
GRUMA CORPORATION 5601 EXECUTIVE DRIVE IRVING TX 75038-2508		2020 Form 1099-NEC		
972-232-5497		1 Nonemployee compensation \$ 119,404.91		
PAYER'S TIN	RECIPIENT'S TIN	2		
[REDACTED] 6486	[REDACTED] 7741			
RECIPIENT'S name C M ADLER LLC		3		
Street address (including apt. no.) 3598 VICARI AVE		4 Federal income tax withheld \$ 0.00		
City or town, state or province, country, and ZIP or foreign postal code TOMS RIVER NJ 08755				
		FATCA filing requirement <input type="checkbox"/>		
Account number (see instructions) [REDACTED] 3171		5 State tax withheld \$ 0.00 \$	6 State/Payer's state no. \$	7 State income \$

**Nonemployee Compensation**

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CORRECTED (if checked)

PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no.		1 Rents \$	OMB No. 1545-0115
GRUMA CORPORATION 5601 EXECUTIVE DR. SUITE 800 IRVING TX 75038-2508		2 Royalties \$	<b>2019</b> Form 1099-MISC
972-232-5497		3 Other income \$	
PAYER'S federal identification number	RECIPIENT'S identification number	4 Federal income tax withheld \$	<b>Miscellaneous Income</b> <b>Copy B</b> For Recipient
[REDACTED] 6486	[REDACTED] 7741	5 Fishing boat proceeds \$	
RECIPIENT'S name C M ADLER LLC		7 Nonemployee compensation \$ 100,331.49	8 Substitute payments in lieu of dividends or interest \$
Street address (including apt. no.) 3598 VICARI AVE		9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale <input checked="" type="checkbox"/>	10 Crop insurance proceeds \$
City or town, state or province, country, and ZIP or foreign postal code TOMS RIVER NJ 08755		11	12
Account number (see instructions) [REDACTED] 3171		13 Excess golden parachute payments \$	14 Gross proceeds paid to an attorney \$
15a Section 409A deferrals \$	15b Section 409A income \$	16 State tax withheld \$	17 State/Payer's state no. \$
18 State income \$			

Form 1099-MISC

(keep for your records)

www.irs.gov/form1099misc

Department of the Treasury - Internal Revenue Service

**Miscellaneous Income****Copy B**  
For Recipient

This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.

CORRECTED (if checked)

PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no.		1 Rents \$	OMB No. 1545-0115	<b>2018</b>	<b>Miscellaneous Income</b>
GRUMA CORPORATION 5601 EXECUTIVE DR. SUITE 800 IRVING TX 75038-2508		2 Royalties \$			
972-232-5497		3 Other income \$	4 Federal income tax withheld \$		
PAYER'S federal identification number	RECIPIENT'S identification number	5 Fishing boat proceeds \$	6 Medical and health care payments \$		
[REDACTED] 6486	[REDACTED] 7741				<b>Copy B</b> For Recipient
RECIPIENT'S name C M ADLER LLC		7 Nonemployee compensation \$ 86,834.02	8 Substitute payments in lieu of dividends or interest \$	This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.	
Street address (including apt. no.) 3598 VICARI AVE		9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale ► <input checked="" type="checkbox"/>	10 Crop insurance proceeds \$		
City or town, state or province, country, and ZIP or foreign postal code TOMS RIVER NJ 08755		11	12		
Account number (see instructions) [REDACTED] 3171		13 Excess golden parachute payments \$	14 Gross proceeds paid to an attorney \$		
15a Section 409A deferrals \$	15b Section 409A income \$	16 State tax withheld \$	17 State/Payer's state no. [REDACTED]	18 State income \$	

Form 1099-MISC

(keep for your records)

www.irs.gov/form1099misc

Department of the Treasury - Internal Revenue Service

CORRECTED (if checked)

PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no. <b>GRUMA CORPORATION</b> <b>5601 EXECUTIVE DR. SUITE 800</b> <b>IRVING TX 75038-2508</b>  <b>972-232-5497</b>		1 Rents	OMB No. 1545-0115	<b>2017</b>  Form 1099-MISC	<b>Miscellaneous Income</b>
		\$			
		2 Royalties			
		\$			
PAYER'S federal identification number  <span style="background-color: black; color: black;">[REDACTED]</span> 6486		3 Other income	4 Federal income tax withheld	<b>Copy B</b> For Recipient	
		\$	\$		
RECIPIENT'S name <b>C M ADLER LLC</b>  Street address (including apt. no.) <b>3 HERITAGE ROAD</b> City or town, state or province, country, and ZIP or foreign postal code <b>EATONTOWN NJ 07724</b>		5 Fishing boat proceeds	6 Medical and health care payments		
		\$	\$		
		7 Nonemployee compensation	8 Substitute payments in lieu of dividends or interest		
		\$ 137,756.98	\$		
		9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale ► <input checked="" type="checkbox"/>	10 Crop insurance proceeds		
		\$			
		11	12		
Account number (see instructions) <span style="background-color: black; color: black;">[REDACTED]</span> 3171		13 Excess golden parachute payments	14 Gross proceeds paid to an attorney		
		\$	\$		
15a Section 409A deferrals \$	15b Section 409A income \$	16 State tax withheld \$	17 State/Payer's state no.	18 State income \$	

Form 1099-MISC (keep for your records)

[www.irs.gov/form1099misc](http://www.irs.gov/form1099misc)

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CORRECTED (if checked)

PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no.  GRUMA CORPORATION 5601 Executive Dr. Suite 800 Irving TX 75038-2508  972-232-5497		1 Rents  \$	OMB No. 1545-0115  <b>2016</b>  Form 1099-MISC	<b>Miscellaneous Income</b>
		2 Royalties  \$		
		3 Other income  \$	4 Federal income tax withheld  \$	<b>Copy B For Recipient</b>
PAYER'S federal identification number  [REDACTED] 6486	RECIPIENT'S identification number  [REDACTED] 7741	5 Fishing boat proceeds  \$	6 Medical and health care payments  \$	
RECIPIENT'S name C M ADLER LLC  Street address (including apt. no.)  3 HERITAGE ROAD City or town, state or province, country, and ZIP or foreign postal code EATONTOWN NJ 07724		7 Nonemployee compensation  \$ 102,832.65	8 Substitute payments in lieu of dividends or interest  \$	This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.
		9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale ► <input checked="" type="checkbox"/>	10 Crop insurance proceeds  \$	
		11	12	
Account number (see instructions)  [REDACTED] 3171	FATCA filing requirement  <input type="checkbox"/>	13 Excess golden parachute payments  \$	14 Gross proceeds paid to an attorney  \$	<b>18 State income</b>  \$
15a Section 409A deferrals  \$	15b Section 409A income  \$	16 State tax withheld  \$	17 State/Payer's state no.	

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